

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 07-315 (MJD/SRN)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	GOVERNMENT'S POSITION WITH
)	RESPECT TO SENTENCING
v.)	
)	
TYRONE SHADALE OAKS,)	
)	
Defendant.)	

The United States of America submits its position with respect to sentencing and agrees with the factual findings of the pre-sentence investigation report (PSR). The government submits that the applicable total offense level for the defendant is 33 and the appropriate criminal history category based on the defendant's criminal history is VI, resulting in an advisory guideline sentencing range of 235-293 months. The government opposes the defendant's motion for a downward departure.

In his position paper the defendant moves the Court for a downward departure based on his history and personal circumstances. The defendant cites his marijuana use and the fact that he left home at age 14 as bases for the downward departure. The government submits that the defendant's history and circumstances do not warrant a downward departure.

The defendant stands before the Court at age 34. His criminal history is extensive beginning at age 14 and continuing steadily until his arrest for the current offense. The defendant's criminal history includes convictions for burglary, weapons and assault

charges. Moreover, many of the defendant's arrest occurred while he was on supervision for a prior offense.

The defendant's history is not indicative of a man who has attempted to overcome his obstacles rather his attitude, behavior and history are indicative of a man who has no regard for the law his responsibilities or others.

The government respectfully request that the defendant's motion for a downward departure be denied and that Court sentence the defendant within the advisory guideline range of 235-293 months because such sentence is reasonable in light of the factors contained in 18 U.S.C. § 3553(a).

Dated: June 19, 2008

FRANK J. MAGILL, JR.
Acting United States Attorney

S/ Erika R. Mozangue

BY: ERIKA R. MOZANGUE
Assistant U.S. Attorney
Attorney ID No. 244570